



UNITED STATES DEPARTMENT OF COMMERCE
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SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
07/715,272	06/14/91	CARTER	P 709

EXAMINER FEISEE, J.

GENENTECH, INC.
ATTN: CAROLYN R. ADLER
460 POINT SAN BRUNO BLVD.
SOUTH SAN FRANCISCO, CA 94080

ART UNIT 1806 PAPER NUMBER Q

DATE MAILED: 05/12/92

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

restricted
 This application has been examined Responsive to communication filed on 7/15/91 This action is made final.
A shortened statutory period for response to this action is set to expire 0 month(s), 30 days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

1. Notice of References Cited by Examiner, PTO-892.
2. Notice re Patent Drawing, PTO-948.
3. Notice of Art Cited by Applicant, PTO-1449.
4. Notice of Informal Patent Application, Form PTO-152
5. Information on How to Effect Drawing Changes, PTO-1474.
6.

Part II SUMMARY OF ACTION

1. Claims 1-16 are pending in the application.

Of the above, claims _____ are withdrawn from consideration.

2. Claims _____ have been cancelled.

3. Claims _____ are allowed.

4. Claims _____ are rejected.

5. Claims _____ are objected to.

6. Claims 1-16 are subject to restriction or election requirement.

7. This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.

8. Formal drawings are required in response to this Office action.

9. The corrected or substitute drawings have been received on _____. Under 37 C.F.R. 1.84 these drawings are acceptable; not acceptable (see explanation or Notice re Patent Drawing, PTO-948).

10. The proposed additional or substitute sheet(s) of drawings, filed on _____, has (have) been approved by the examiner; disapproved by the examiner (see explanation).

11. The proposed drawing correction, filed _____, has been approved; disapproved (see explanation).

12. Acknowledgement is made of the claim for priority under U.S.C. 119. The certified copy has been received not been received been filed in parent application, serial no. _____; filed on _____.

13. Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.

14. Other

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Restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Claims 1-13, drawn to a method of making an antibody and an antibody comprising a polypeptide, classified in Class 435, 530 subclass 69.1, 350.

II. Claims 14-16, drawn to computer representations, classified in Class 364, subclass 282.1+.

10 The inventions are distinct, each from the other because of the following reasons:

The two Groups are drawn to two different products, Group I being a biological molecule and Group II being a machine. These constitute two different statutory classes of invention and are 15 therefore patentably distinct one from the other.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification and divergent subject matter, and because the searches for the individual Groups are not 20 coextensive, restriction for examination purposes as indicated is proper.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 C.F.R. 1.48(b) if one or more of the currently

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named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a diligently-filed petition under 37 C.F.R. 1.48(b) and by the fee required under 37 C.F.R. 1.17(h).

5 A telephone call was made to Carolyn Adler, on 12/9/91, to request an oral election to the above restriction requirement, but did not result in an election being made and a written restriction was requested.

Applicant is advised that the response to this requirement 10 to be complete must include an election of the invention to be examined even though the requirement be traversed. (37 C.F.R. 1.143).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lila 15 Feisee whose telephone number is (703) 308-2731.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0196.

Papers related to this application may be submitted to Group 20 180 by facsimile transmission. Papers should be faxed to Group 180 via the PTO FAX Center located in Crystal Mall 1. The faxing of such papers must conform with the notice published in the Official Gazette, 1096 OG 30 (November 15, 1989). The CM1 FAX

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Center number is (703) 308-4227. The hours of operation of the Center are 8:45 am - 4:45 pm, Monday - Friday.

Feisee/lf
May 11, 1992


JOHN J. DOLL
SUPERVISORY PATENT EXAMINER
GROUP 180